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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,335	01/14/2004	Gregory R. Hauler	LAC03 P326	3454

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EXAMINER

STORMER, RUSSELL D

ART UNIT PAPER NUMBER

3617

DATE MAILED: 12/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/757,335	Applicant(s) HAULER, GREGORY R.	
	Examiner Russell D. Stormer	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the embodiment of the cover in which the sleeve is adapted to releasably or snappably engage the vehicle wheel as set forth in claims 10, 22, 24, and 29 must be shown or the feature canceled from the claims.

No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter.

There is no description of the sleeve of the cover assembly releasably or snapably engaging the vehicle wheel as set forth in claims 10, 22, 24, and 29.

See 37 CFR 1.75(d)(1) and MPEP § 608.01(o).

Claim Objections

3. Claim 7 is objected to because of the following informalities:

In line 3, it appears that the second occurrence of the word "sleeve" should be changed to - sleeves- .

Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5, 9-15, 17-23, 26-31, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dubost in view of Sheu (both previously cited).

Dubost discloses a wheel cover assembly comprising a body member, a plurality of tubular extensions 8 having a proximate end and a distal end, the distal end including

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an irregularity or rib 14a, 15a. A sleeve is positioned in each extension and includes and has an edge portion 9c, 9d to receive the irregularity and fingers to engage the lug nuts 5 of the wheel. The extension is concealed when the cover is assembled to the wheel. The sleeve is not disclosed as being made of a different material from the material of the extension.

Sheu teaches a wheel cover assembly in which a sleeve 4 is fitted on an extension 31 and engages the lug nut of a wheel. The sleeve is not described as being made of a material that is different from the extension and the rest of the cover, but the cover and the extension are cross-hatched for a plastic material, and the sleeve is shown as a metal. Therefore, those of ordinary skill in the art would recognize that the sleeve is intended to be made of metal as this is shown, and further because metal would grip the lug nuts better and would not soften or lose their grip during heat build-up in the wheel and the lug bolts. The metal sleeves would therefore provide a thermal insulation for the extensions.

From this teaching of Sheu, and from what is known in the art, it would have been obvious to make the sleeves of Dubost from a material different from the extensions, such as a metal, as this would better retain the cover on the wheel lug nuts and would further insulate the cover from the heat in the wheel and lug nuts.

Stainless is well-known in the wheel cover art for forming the gripping portion of a wheel cover, and to use stainless steel for the sleeves of Dubost as modified by Sheu would have been obvious as this would ensure a longer life for the sleeves since stainless steel would not corrode in the wet and salty environment wheels and wheel

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covers are often subject to. Official Notice is hereby given with respect to the use of stainless steel.

6. Claims 6-8, 16, 25, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dubost in view of Sheu as applied to claims 5, 14, 24, and 19 above, and further in view of Japanese document 63-287601 (newly cited).

To provide the sleeve and extension of the cover of Dubost as modified by Sheu with an aperture and a tab to prevent relative rotation between the two parts would have been obvious as taught by Japanese '601. See figure 13.

Response to Arguments

7. Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground of rejection.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. DiMarco et al and Japanese document 63-87301 are cited to show other wheel cover assemblies in which the cover includes sleeves to engage a wheel lug nut and provides thermal insulation of the cover from the wheel.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell D. Stormer whose telephone number is (571)


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272-6687. The examiner can normally be reached on Monday through Friday, 9 AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joe Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

11/27/06


RUSSELL D. STORMER
PRIMARY EXAMINER 11/27/06